\* BEFORE THE PETITION FOR ZONING VARIANCE \* DEPUTY ZONING COMMISSIONER SW/Corner Burke & Aigburth Aves. (119 Burke Avenue) 9th Election District \* OF BALTIMORE COUNTY 4th Councilmanic District \* Case No. 88-517-A John S. Bossom Petitioner \* \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioner herein requests a variance to permit an accessory building (detached garage) in a residential zone with a side yard setback of 0 feet and a rear yard setback of 1 foot in lieu of the required 2 and 1/2 feet for each, and a setback of 8 and 1/2 feet from the center of an alley in lieu of the required 15 feet, as more particularly described in Petitioner's Exhibit 1. The Petitioner appeared, testified, and was represented by Counsel, Edward Covahey, Esquire and Thomas Doar, Esquire. There were no Testimony indicated that the subject property, known as 119 Burke riotestants. Avenue, is zoned D.R. 10.5 and is located at the corner of Aigburth Avenue and Burke Avenue. Testimony indicated that due to the size of this corner lot and the location of a large old oak tree, the proposed detached garage cannot be constructed in strict conformance with the setback requirements of the zoning regulations. Testimony and pictures presented evidence that the proposed location is compatible with the location of numerous other detached garages in the neighborhood. The Petitioner further testified as to the practical difficulty and hardship he would suffer if the variances were not granted. The Petitioner testified the garage would be constructed with materials similar to the principal dwelling. PETITIC N FOR ZONING VA LANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow a detached garage (accessory building) in a residential zone with a side yard setback of 0' and a rear yard setback of 1' in lieu of the 2 1/2' as required; and section 400.2 to allow an accessory building in a residential zone with a setback of 8 1/2' from the center of an alley in lieu of 15' as required.

Of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The variances are necessary to preserve the useable portion of the rear yard which, without them, would be totally lost to the garage. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition Legal Owner(s): Contract Purchaser: John S. Bossom (Type or Print Name) (Type or Print Name) [ ] Som (Type or Print Name) Signature City and State Attorney for Petitioner:

828-8895

119 Burke Avenue

City and State

John S. Bossom

Towson, Maryland 21204

Name, address and phone number of legal owner, con-

119 Burke Avenue, Towson, MD 21204

une , 1988, at 10 o'clock

Zoning Commissioner of Baltimore County.

tract purchaser or representative to be contacted

Anthony J. DiPaula

614 Bosley Avenue

City and State

Y Towson, Maryland 21204

828-9441

OBDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_\_

of \_\_\_\_\_\_, 19\_8, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Attorney's Telephone No.: 020-9441

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted. THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of July, 1988 that the Petition for Zoning Variance to permit an accessory building (detached garage) in a residential zone with a side yard setback of 0 feet and a rear yard setback of 1 foot in lieu of the required 2 and 1/2 feet for each, and a setback of 8 and 1/2 feet from the center of an alley in lieu of the required 15 feet, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions: 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition, 2) The detached garage shall be constructed with materials similar to the principal dwelling. #377 ZONING DESCRIPTION SULC BURKE AVENUE & AIGBURTH AVENUE BEGINNING for the same on the southeast side of Burke Avenue at a

point distant five hundred and fifty-three and sixty-seven one hundredths feet easterly from the corner formed by the intersection of the southernmost side of Burke Avenue and the easternmost side of Maryland Avenue running thence easterly binding on the south side of Burke Avenue forty-eight and thirtythree one hundredths feet thence extending back southerly at right angles to Burke Avenue of even width and even depth of one hundred and twenty-tive feet. The improvements thereon being known as No. 119 E. Burke Avenue, containing 6,041 square feet of land, more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: Swife Busto Ave to Hig byx 1h Ave. 119 Butte 1124 Location of Signer Focus, in for soction of Burtes this Just Ans, oppose 10' Fr. You dway or frof ty of Potition. Date of return: 6/17/85

3) The Petitioner shall not allow or cause the accessory structure (detached garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

AMN:bjs

Baltimore County

494-3353

BALTIMORE COUNTY, MARYLAND

MISCELLANEOUS CASH RECEIPT

OFFICE OF FINANCE - REVENUE DIVISION

J. Robert Haines

fit. John S. Bosson 119 Busice Avenue Towson, Maryland 21204

Zoning Commissioner

Office of Planning & Zoning

Petition for Zoning Variance CASE NUTEER: 83-517-A

Petitioner(s): John S. Bossom

(119 Bucke Avenue)

SN/C Busice Avenue and Aligbusth Avenue

9th Election District - 4th Councilments

HEARING SCHEDULED: THURSDAY, JUNE 30, 1988 at 10:00 a.m.

Please be advised that 102.55 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove the sign and post set(s) from the property from the time

Please make your check payable to Baltimore County, Maryland and bring

1111111111

it along with the sign(s) and post(s) to the Zaming Office, County Office

it is posted by this office until the day of the hearing itself.

Towson, Maryland 21204

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

( M Nickman

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

July 14, 1988

Edward Covahey, Esquire Thomas Doar, Esquire Covahey & Boozer 614 Bosley Avenue Towson, Maryland 21204



RE: PETITION FOR ZONING VARIANCE SW/Corner Burke and Aigburth Avenues (119 Burke Avenue) 9th (Election District; 4th Councilmanic District Case No. 88-517-A

Dear Messrs. Covahey and Boar:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours.

an N. Nakaning ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

Enclosure cc: People's Counsel

File

"DUPLICATE" CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Communitation of Reliterate County, by authority of the Loning Act and Regulations of Beltmore County will hold it public bearing on the property identified herein in Room life of the County Office Building, lecated at 111 W. Chesapeake Avenue in Towner, Maryland at fallows. THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Pention for Zorang Variance Case number: NF-517-A SW/C Burke Avenue and and published in Towson, Baltimore County, Md., appearing on Autourth Avenue (1 | 9 Burke Avenue) Oth Election Dealers Just 2, 19. 88 14th Councilmante District Pressources John S. Bosson Pinering Date: Thursday, June 30, 1988 at 10:00 a.m. June 36, 3486 at 30.00 a.m. harance to allow a detached ga-tege (accessory husbleng) an a resi-dential sorts with a side yard settech at 8° and 3 reer vied action. of 3 foot to hou of the 2's toot as required, and to allow an accessory business in a residential point with a arthoch of 819 layer from the center of an alloy in the 1% land. 1% inch as required. THE JEFFERSONIAN,

5. Zefe Orlan

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In the event that the Petition is granted, a bushing period may be messed within the thirty (3th day appeal period rethin the thirty (3th day appeal period. The Zuning Communication to the Juning Communication to the Juning Communication to the Juning Communication of the session of the sessio I. ROBERT HAINE

CERTIFICATE OF PUBLICATION

TOWSON TIMES.

NUTICE OF HEARING The Zorung Communicator of Bal-tancer County, by authority of the Living Act and Beginsmons of Bolto-more ( ounty will hold a public having on the property already Chespeake Avenue in Lincon, Maryland on Indirect Lase mission M-517-A SHA Burke Asenue and

Aughurth Annua (119 Burke Avenue) th chattan Delent Bitt Commissioner | Jastin Pronumental June 5 Resister Hearing Date: Thursday, June 30,: 300 at 10:00 a m furnance to alone a detached gatage jaccements benicking) in a rea-dental cone with a side yard within self and a rear yard sethack of and to allow an accommon building to a modernial arose with a verteal later here of the 15 best as required. In the event that this Petition is granted a building permit may be mound within the thirty (30) day apped period. The Zoning Commurequest has a state of the measures of said permit during this period to good cause about buck reques

TOWSON, MD., June 8, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each

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B (44-1-1-18) Brid 1 mile VALIDATION OR SIGNATURE OF CASHIER a grand and the first the state of the state

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JUN 27 1988

Dennis F. Rasmusser

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53.35

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 86-817-A SM/C Burke Avenue and Algburth Avenue (119 Burke Avenue) 9th Election District - 4th Councilmenia Petitioner(s): John S. Bossom HEARDIG SCHEDULED: THURSDAY, JUNE 30, 1988 at 10:00 8-M-

Verience to allow a deteched garage (accessory building) in a residential zone with a side yerd setback of 0° and a rear yard setback of 1 foot in lieu of the 2½ feet as required; and to allow an accessory building in a residential zone with a setback of 6½ feet from the center of an alley in lieu of the 15 feet as required.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County oct John S. Bossom Anthony J. DiPaula, Esq.

15' Conc. Alley. and a conduction of the contraction Site PLAT FOR ZONING VARIANCES OWNER: John S. Bossom ELECTION DISTRICT: 9 Total area: \* 6,041 sq. ft.t ZONING: D.R. 10.5 TAX ACCT NO.: 09-04-751220 DATE DCC. 6 1986
SCALE ONE INCH equals 20 FEET BOUTLE COUTT MARYLAND
The information on this plat shows only that the improvements indicated hereon are contained within the outlines of the lot upon which Michael B. Dattes used to establish property lines Registered Surveyor | Suite 200 24 W. Pennsylvania Avenue Towson, Maryland 21204 Phone; 494-0020

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

May 12, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: John S. Bossom

Location: SW/C Burke Avenue & Aigburth Avenue Item No.: 377

Zoning Agenda: Meeting of 4/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt local Kelly 5-12-66 Approved:

Flaghing Group

Special Inspection Division

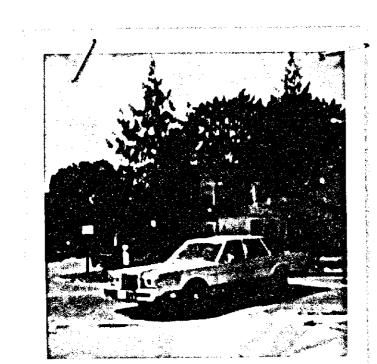
Noted and

Approved:

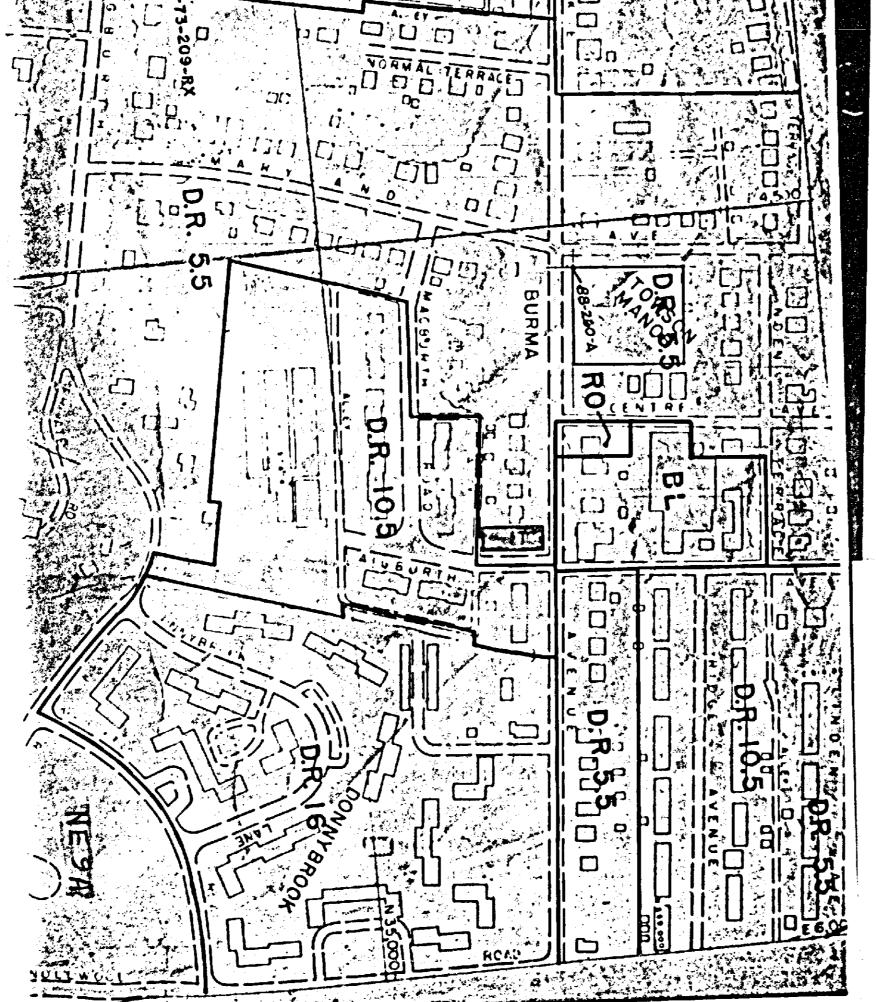
Tre Prevention Bureau

ce: Gentrony J. Di Poula, Eng.

PETITIONERS



The state of the s



Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 19, 1988



Dennis F. Rasmusaen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comemnts for items number 374, 375, 376, 377) 378 and 380.

Stephen E. Weber, P.E. Assistant Traffic Engineer

88-517-1

Critish In the section

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 

Petitioner John S. Bosson Petitioner's Attorney

Chairman, Zoning Plans Advisory Committee Received by:

TO J. Robert Haines
Zoning Commissioner

P. David Fields, Director
Office of Planning and Zoning

SUBJECT\_Zoning Petitions #88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A 88-517-A, 88-518-A, and 88-519-A

comment on the subject petitions.

cc: Shirley Hess, People's Counsel

J. G. Hoswell Zoning Office

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 377 - Case No. 88-517-A

Petitioner: John S. Bossom

June 6, 1988

COUNTY OFFICE BLDG, 111 W. Chesapeake Ave. Towson, Maryland 21208

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

Bureau of Engineering Department of State Roads Commissio Bureau of

Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Petition for Zoning Variance

BATIMORE COUNTY, MARCAND

There are no comprehensive planning factors requiring

Date May 12 1986

Dear Mr. DiPaula:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Jona Cabyrelle JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt Enclosures